

WW-16J

Colonel Frederic Drummond
District Engineer
Chicago District, U.S. Army Corps of Engineers
111 North Canal Street
Chicago, IL 60606-7206

Dear Colonel Drummond:

The U.S. Environmental Protection Agency (EPA) has reviewed Pre-Construction Notice Application No. LRC-2010-00553 issued on August 9, 2011. The applicant, Elgin Community College, requests a Clean Water Act 404 Regional Permit 01 Category II for filling 0.2 acres of wetland without authorization and to fill an additional 0.51 acres of wetland. The proposed project consists of expanding a parking lot and providing stormwater utilities and a detention basin. The project site is located at 1700 Spartan Drive in Elgin, Kane County, Illinois. EPA offers the following comments based on our review of the Pre-Construction Notice and additional application materials provided by the Chicago District Corps office and Phoenix and Associates, Inc.

Regional Permit Application

The application materials provided for agency review appear incomplete at this time. A series of photographs was provided along with the joint application form and the compensatory mitigation plan. Descriptions accompanying the enclosed photographs, which would assist in our review of the project, were not provided. According to the Chicago Corps District Application Checklist for Regional Permits¹, notification of a regional permit should include discussion on project purpose and need, and measures taken to avoid and minimize impacts to aquatic resources at the project site. No such discussion is provided in the application materials that we received. The proposed project has already impacted 0.2 acres of Advanced Identification (ADID) wetlands and would impact an additional 0.51 acres of ADID wetlands. ADID wetlands are aquatic sites of high functional value that the Chicago District and EPA generally consider unsuitable for disposal of dredged or fill material². Further, project sites supporting

¹ Chicago District Regulatory Branch Application Checklist; <http://www.lrc.usace.army.mil/cor/appcheck.htm>

² Chicago District Regional Permit Program (effective April 1, 2007); <http://www.lrc.usace.army.mil/cor/modified4webRPPfinal.pdf>

wetlands should include a Floristic Quality Assessment (FQA)³ as mentioned in the Chicago District Application Checklist⁴. While delineated wetlands are pictured in the application materials that we received, we were not provided an associated vegetative assessment (e.g., FQA). Further, proposed wetlands impacts should be more clearly indicated in the attached sketches and aerial photographs. We request this additional information on the proposed aquatic resource impacts in accordance with the Chicago District Application Checklist.

Avoidance and Minimization

The applicant must provide purpose and need for the proposed parking lot addition. If additional parking is needed, how many parking stalls? Is the parking lot addition designed to meet peak or average parking demand? EPA recommends the latter design so as to avoid and minimize aquatic resource impacts.

Any project requiring a regional permit "...shall employ Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts of development on aquatic resources."⁵ We did not receive any information on proposed BMPs. The applicant must implement BMPs to minimize adverse effects from stormwater runoff to adjacent ADID wetlands onsite. Excess water, sediments, nutrients, and other contaminants to wetland areas from runoff often facilitate invasions by opportunistic species and degrade overall wetland quality.⁶ ADID wetlands are high quality aquatic resources and are not to be used for stormwater treatment. EPA's Stormwater Menu of BMPs on the web includes information on green parking.⁷ EPA recommends the applicant apply green parking techniques (e.g., minimize parking stall dimensions; include compact-vehicle spaces and bioretention areas) to reduce total onsite impervious cover. Further, the applicant should consider the use of oil/grit separators to remove hydrocarbon pollutants, trash, and other debris from stormwater runoff leaving the project site.

Mitigation

After project impacts have been avoided and minimized to the extent appropriate and practicable, the applicant must then compensate for any remaining unavoidable impacts.

We have the following concerns and recommendations for the proposed wetland mitigation:

³ Swink, Floyd and Gerould, Wilhelm. 1994. Plants of the Chicago Region. 4th edition. Indianapolis, Indiana Academy of Science.

⁴ Id. at 1.

⁵ Id at. 2.

⁶ Zedler, J.B. and S. Kercher. 2004. Causes and Consequences of Invasive Plants in Wetlands: Opportunities, Opportunists, and Outcomes. *Critical Reviews in Plant Sciences*, 23(5): 431-452.

⁷http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=89

- (1) Elgin Community College should consider preservation of ADID freshwater emergent wetlands onsite. According to the 2008 Mitigation Rule, the applicant must consider on-site and in-kind mitigation before off-site and out-of-kind mitigation.⁸ Exhibit 2B shows approximately 85 acres of ADID wetlands north and west of central campus.
- (2) The Chicago District regional permit program (RPP)⁹ specifies a minimum ratio of 1.5 acres of mitigation for every 1.0 acre of waters of the U.S. impacted by the project. In considering the high functional value of aquatic resources to be impacted, EPA recommends a higher than 1.5 to 1 mitigation ratio for filling 0.51 acres. As standard practice, high functional ADID wetlands usually require 3:1 mitigation.
- (3) The total mitigation reported in the public notice (i.e., 1.77 acres; 5:1 for 0.2 acres of unauthorized fill and 1.5:1 for 0.51 acres of proposed fill) is inconsistent with the total mitigation reported in the Mitigation Plan (6.49 acres, 3.654 acre-credits) provided by Phoenix and Associates. EPA requests clarification on the total acreage of proposed mitigation.
- (4) Numerous typographical errors throughout the text of the Mitigation Plan made this document somewhat difficult to interpret. EPA recommends revision and resubmission of this document.

EPA objects to the project as proposed in the Pre-Construction Notice and permit application for the following reasons: (1) EPA has not received sufficient documentation of the proposed project. EPA requests the Corps project manager and/or applicant provide narrative descriptions associated with included photographs, clear project purpose and need, a Floristic Quality Assessment of the project site, and a clearly labeled aerial photograph of onsite delineated wetlands with actual and proposed wetlands impacts. Other requested application materials are mentioned above. (2) EPA requests clarification on the proposed mitigation. The applicant should consider preservation and/or enhancement of on-site adjacent ADID wetlands before off-site mitigation. Please provide the requested project information to Angela Vincent (Vincent.angela@epa.gov) and notify us before your final permit decision is made. Angela Vincent is available for questions and/or clarification on the above comments at 312/353-9715.

Sincerely,

Peter Swenson, Chief
Watersheds and Wetlands Branch

cc: Mike Machalek, USACE
Shawn Cirton, USFWS

⁸ 40 C.F.R. §230.93(b)(5)-(6)

⁹ Id at 2.

bcc: Angela Vincent, WW-16J
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